

Blanca E. Rodriguez, WSBA # 27745
Northwest Justice Project
510 Larson Building
6 S. Second Street
Yakima, Washington 98901
Tel: (509) 574-4234 x 22
Fax: (509) 574-4238

Ruth Esparza, WSBA # 37236
Northwest Justice Project
300 Okanogan Ave., Ste. 3A
P.O. Box 3324
Wenatchee, WA 98807
Tel: (509) 664-5101
Fax: (509) 665-6557

Attorneys for Plaintiff-Intervenor

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

No. CV-09-303-RHW

Plaintiff,

**FIRST AMENDED
COMPLAINT IN
INTERVENTION**

ANDREA RAMMELS

JURY DEMAND

LA PIANTA, LLC dba FRENCHMAN
HILLS VINEYARD, LLC,

Defendant

FIRST AMENDED COMPLAINT IN INTERVENTION - 1

NORTHWEST JUSTICE PROJECT
510 LARSON BUILDING, 6 S 2ND STREET
YAKIMA, WASHINGTON 98901
PHONE: (509) 574-4234
FAX: (509) 574-4238

1

I. INTRODUCTION

2 1.1 This is an action for civil rights violations. Plaintiff-Intervenor Andrea
3 Ramales was an employee of Defendant La Pianta, LLC dba Frenchman
4 Hills, LLC (“Frenchman Hills”) in Adams County, Washington until May
5 17, 2008. During the course of her employment Plaintiff-Intervenor was
6 sexually harassed by her immediate supervisor at Frenchman Hills. As a
7 result of this sexual harassment, Plaintiff-Intervenor was constructively
8 discharged from Frenchman Hills in violation of Title VII of the United
9 States Civil Rights Act and the Washington Law Against Discrimination.
10 Plaintiff-Intervenor brings this action to obtain redress for the harm she has
11 suffered and continues to suffer as a result of the Defendant’s unlawful
12 conduct.
13

14

II. JURISDICTION AND PARTIES

15
16 2.1 This court has jurisdiction of Plaintiff-Intervenor’s federal law claims
17 pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is
18 authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII
19 of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-
20
21
22

1 5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of
2 1991, 42 U.S.C. §1981a.

3 2.2 This court has jurisdiction of the Plaintiff-Intervenor’s state law claims
4 under 28 U.S.C. §1337(a) (supplemental jurisdiction), as these claims are
5 so related to the federal claims as to form part of the same case or
6 controversy under Article III of the United States Constitution.

7 2.3 The employment practices alleged to be unlawful were committed within
8 the jurisdiction of the United States District Court for the Eastern District
9 of Washington.

10 2.4 Plaintiff, the Equal Employment Opportunity Commission (“EEOC”), is
11 the agency of the United States of America charged with the
12 administration, interpretation and enforcement of Title VII, and is
13 expressly authorized to bring this action by Section 706(f)(1) of Title VII,
14 42 U.S.C. §2000e-5(f)(1).

15 2.5 The Plaintiff-Intervenor Andrea Ramales is a resident of Washington State.

16 2.6 At all relevant times, Frenchman Hills has been a corporation continuously
17 doing business in the State of Washington and has continuously had at
18 least 15 employees.

1 2.7 At all relevant times, Defendant Frenchman Hills has continuously been an
2 employer engaged in an industry affecting commerce within the meaning
3 of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and
4 (h).
5

6 2.8 At all times relevant to this complaint, Defendant has continuously been an
7 employer within the meaning of the Washington Law Against
8 Discrimination. RCW 49.60.040; RCW 49.60.180.
9

10

11

12 **III. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13

14 3.1 On July 24, 2008 Plaintiff-Intervenor filed a charge of discrimination with
15 the EEOC against Frenchman Hills. After it assumed jurisdiction and
16 investigated Ms. Ramales' charge, the EEOC, on February 20, 2009,
17 issued a formal Determination that there is reasonable cause to believe that
18 Defendant subjected Plaintiff-Intervenor to a sexually offensive and hostile
19 work atmosphere at Frenchman Hills.
20

21 3.2 An attempt was made by the EEOC to resolve this case without litigation.
22 However, conciliation failed on or before April 29, 2009.
23

24

1 3.3 On or about February 20, 2009 the EEOC concluded their investigation of
2 the case involving Plaintiff-Intervenor and filed the instant action in federal
3 court on September 30, 2009.
4
5
6

IV. FACTS

7 4.1 At all times relevant to this complaint, Defendant Frenchman Hills
8 employed more than 15 people in and around Adams County, Washington.
9
10 4.2 The Plaintiff-Intervenor Andrea Ramales performed labor for Frenchman
11 Hills from May 3, 2008 until May 17, 2008 at the request and under the
12 direction and control of Defendant and its agents.
13
14 4.3 Defendant employed Alberto Camacho as a foreman and supervisor at all
15 relevant times.
16
17 4.4 During her employment with Defendant, Plaintiff-Intervenor was sexually
18 harassed by Supervisor Camacho resulting in her constructive discharge.
19
20 4.5 Plaintiff-Intervenor was forced to endure unwanted sexual contact and
21 intimidating and unwelcomed sexual overtures by Supervisor Camacho,
22 although she made clear that she wanted the harassment to stop.
23
24

1 4.6 Plaintiff-Intervenor was not provided with a Frenchman Hills company
2 policy to report sexual harassment, and Supervisor Camacho was her only
3 known supervisor.

4

5 4.7 The sexual harassment by Supervisor Camacho was severe and pervasive
6 and altered the working conditions and created a hostile work environment
7 for Plaintiff-Intervenor.

8

9 4.8 Defendant's conduct created a hostile work environment so intolerable for
10 Plaintiff-Intervenor that any reasonable person would find such treatment
11 offensive.

12

13 4.9 The extreme conduct of Supervisor Camacho was done in a willful and
14 wanton manner, and constituted a disregard for the rights and wellbeing of
15 Plaintiff-Intervenor that resulted in her constructive discharge on May 17,
16 2008.

17

18

19

V. STATEMENT OF CLAIMS

20

I. SEXUAL HARASSMENT- 42 U.S.C. §2000e-2(a)

21 5.1 Plaintiff-Intervenor re-alleges and incorporates by reference all allegations
22 set in the preceding paragraphs as if set forth herein.

1 5.2 By subjecting Plaintiff-Intervenor to unwelcome sexual comments and
2 acts, and permitting and encouraging a work environment in which she was
3 subject to ridicule, harassment, discrimination, assault and intimidation
4 because of her sex, Defendant discriminated against Plaintiff-Intervenor in
5 violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a).
6

7 5.3 The effect of the practices complained of above has been to deprive
8 Plaintiff-Intervenor of equal employment opportunities.

9 5.4 The unlawful employment practices complained of were intentional.

10 5.5 The unlawful employment practices complained of were done with malice
11 or with reckless indifference to Plaintiff-Intervenor's federally protected
12 rights.
13

14 **II. WASHINGTON STATE LAW AGAINST DISCRIMINATION- RCW**
15 **49.60.030; RCW 49.60.180.**

16 5.6 Plaintiff-Intervenor re-alleges and incorporates by reference all allegations
17 set in the preceding paragraphs as if set forth herein.

18 5.7 Plaintiff-Intervenor was subjected to unlawful workplace sexual
19 harassment in violation of the Washington Law Against Discrimination.
20

21 RCW 49.60.030; RCW 49.60.180.
22

1 5.8 As a woman, Plaintiff-Intervenor is a member of the class protected from
2 discrimination and sexual harassment under this law.

3 5.9 Plaintiff-Intervenor was subjected to unlawful workplace sexual
4 harassment in violation of the Washington Law Against Discrimination
5 when she was subjected to unwelcome intentional conduct, which occurred
6 because of her gender, and which affected the terms and conditions of her
7 employment.

9

10 **VI. PRAYER FOR RELIEF**

11 Wherefore, Plaintiff-Intervenor requests this Court:

12 6.1 Award Plaintiff-Intervenor all damages to which she is entitled, including,
13 but not necessarily limited to, all special, general, compensatory, punitive
14 or other damages pursuant to Title VII of the Civil Rights Act (42 U.S.C.
15 2000e et seq.); the Washington Law Against Discrimination (RCW
16 Chapter 49.60); or as otherwise authorized by law;

17 6.2 Award Plaintiff-Intervenor the costs of this suit along with reasonable
18 attorneys fees pursuant to 42 U.S.C. § 2000e-5(k) and RCW 49.60.030(2)
19 or as otherwise authorized by law;

1 6.3 Award Plaintiff-Intervenor such other relief as the court may deem just and
2 equitable.
3
4

5 SIGNED this 10th day of May, 2010
6
7

8 NORTHWEST JUSTICE PROJECT
9
10

11 By: /s/ Blanca E. Rodriguez
12 Blanca Rodriguez, WSBA #27745
13 Ruth Esparza, WSBA # 37236
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I Alex Galarza hereby certify that on this 10th of May, 2010 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

John F Stanley John.stanley@eeoc.gov

Carmen Flores Carmen.flores@eeoc.gov

William R. Tamayo William.tamayo@eeoc.gov

George M Ahrend gahrend@dgalaw.com

Thomas W. McLane twm@randalldanskin.com

By /s/Alex Galarza